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9 Attorney for Debtor

10 **UNITED STATES DISTRICT COURT**

11 **DISTRICT OF NEVADA (Las Vegas)**

12 In Re: ) Case Number: 2:20-cv-00043-JAD  
 13 JOSHUA MICHAEL GRANTZ )  
 14 Appellant(s). )  
 15 v. )  
 16 FASHION SHOW MALL, LLC. )  
 17 Appellee(s). )  
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**APPELLANT'S DESIGNATION OF  
 RECORD AND STATEMENTS OF  
 ISSUES ON APPEAL FROM  
 BANKRUPTCY COURT**

JUDGE: Hon. Jennifer A. Dorsey

**DESIGNATION OF RECORD**

Bankruptcy Docket Number	Date Entered on Bankruptcy Docket	Brief Description of the Documents or Transcript
7/19/2009	1	Chapter 7 Voluntary Petition
7/19/2009	2	Statement of Social Security Number(s).
7/19/2009	3	Declaration Re: Electronic Filing
7/19/2009	4	Chapter 7 Statement of Income and Means Test Calculation - Form 22A
7/19/2009	5	Certificate of Credit Counseling
7/19/2009	7	Meeting of Creditors and Notice of Appointment of Trustee LENARD E. SCHWARTZER. 341 meeting to be held on 08/24/2009 at 01:00 PM at 341s - Foley Bldg, Rm 1500. Objections to Discharge due by 10/23/2009.
7/23/2009	13	Motion for Relief from Stay Property: 10969 Tranquil Waters Court, Las Vegas, NV 89135 . Fee Amount \$150. Filed by CINDY LEE STOCK on behalf of JP MORGAN CHASE BANK

1	7/23/2009	14	Notice Hearing - Motion for Relief From Stay
2	7/24/2009	16	Hearing Scheduled/Rescheduled. Hearing scheduled 8/19/2009 at 10:30 AM at LBR-Courtroom 1, Foley Federal Bldg.. (Related document(s) (13) Motion for Relief from Stay filed by Creditor JP MORGAN CHASE BANK)
3	8/25/2009	17	341 Meeting Continued on 10/19/2009 at 04:30 PM
4	9/23/2009	23	Notice of Cont. of 341 meeting to be held on 10/26/2009 at 04:30 PM
5	10/21/2009	20	Order for Relief From Automatic Stay
6	10/27/2009	21	341 Meeting Continued on 11/30/2009 at 04:30 PM
7	12/01/2009	22	Initial Asset Report
8	12/02/2009	23	Change Case from No Asset to Asset
9	01/15/2010	24	Notice of Entry of Order - Order for Relief From Automatic Stay
10	02/19/2010	26	Order Discharging Debtor
11	03/09/2010	28	Withdrawal of Claim: 7
12	04/02/2010	29	Tee's Notice of Assets & Notice File Claims Proof of Claim
13	12/28/2010	31	United States Trustee's Acknowledgment of Submission for Review of the Estate Trustee's Proposed Final Account and Proposed Distribution
14	12/28/2010	32	Trustee's Final Account and Proposed Distribution - Reviewed by UST
15	12/30/2010	33	Notice of Summary of Final Report and Account of Trustee Over \$1500 for Lenard E. Schwartz
16	02/09/2011	36	Order Approving Trustee's Payment of Final Compensation and Reimbursement of Expenses
17	03/30/2011	38	United States Trustee's Acknowledgment of Submission for Review of the Estate Trustee's Proposed Final Distribution Report.
18	03/30/2011	39	Trustee's Final Distribution Report - Reviewed by UST.
19	03/30/2011	40	Final Decree, Discharge of Trustee and Closing of Chapter 7 Case
20	02/14/2014	41	Motion to Reopen Chapter 7 Case
21	02/17/2014	43	Notice of Hearing - 03/12/2014 at 9:30 AM
22	02/17/2014	44	Certificate of Service
23	02/18/2014	45	Hearing Scheduled/Rescheduled. Hearing scheduled 3/12/2014 at 09:30 AM
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1	02/18/2014	46	Notice of Docketing Error (Related document(s)43 Notice of Hearing filed
2	02/26/2014	47	Request for Special Notice and Service of Papers with Certificate of Service Filed by GGP Limited Partnership
3	03/11/2014	48	Document PROOF OF SERVICE Filed by STEVEN J SZOSTEK
4	04/22/2015	49	Motion to Reopen Chapter 7 Case with Proposed Order Filed by JEFFREY S. POSIN
5	04/23/2015	51	Order Granting Motion To Reopen Chapter 7 Case
6	04/23/2015	52	Order Reassigning Case to Bankruptcy Judge LAUREL E. DAVIS.
7	06/04/2015	55	Amended Schedule[s] G, Summary of Schedules, Declaration Concerning Debtor[s] Schedules, Filed by JEFFREY S. POSIN on behalf of JOSHUA MICHAEL GRANTZ
8	06/04/2015	56	Amended Statement of Intention Filed by JEFFREY S. POSIN on behalf of JOSHUA MICHAEL GRANTZ
9	06/04/2015	57	Certificate of Service Filed by JEFFREY S. POSIN on behalf of JOSHUA MICHAEL GRANTZ (Related document(s)55 Schedules filed by Debtor JOSHUA MICHAEL GRANTZ, 56 Statement of Intention filed by Debtor JOSHUA MICHAEL GRANTZ) (Attachments: # 1 Service list) (POSIN, JEFFREY)
10	02/08/2016	58	Final Decree Discharge of Trustee and Closing of Chapter 7
11	10/22/2019	59	Ex Parte Application for Order Reopening Bankruptcy Case Filed by COREY B. BECK on behalf of JOSHUA MICHAEL GRANTZ (Attachments: # 1 Exhibit Motion to Reopen # 2 Exhibit Amended Schedule G # 3 Exhibit Certificate of Service # 4 Exhibit Writ of Execution)
12	10/22/2019	60	Ex Parte Motion to Reopen Chapter 7 Case - Ex Parte Application for Order Reopening Bankruptcy Case. Fee Amount \$260. Filed by COREY B. BECK on behalf of JOSHUA MICHAEL GRANTZ (Attachments: # 1 Exhibit Motion to Reopen # 2 Exhibit Amended Schedule G # 3 Exhibit Certificate of Service # 4 Exhibit Writ of Execution)
13	10/23/2019	62	Order Granting Motion To Reopen Chapter 7 Case
14	10/23/2019	63	Order Reassigning Case to Bankruptcy Judge AUGUST B. LANDIS.
15	10/31/2019	64	Motion for Contempt Against Fashion Show Mall, LLC., for Violation of Order Reopening Case/Discharge Injunction Filed by COREY B. BECK on behalf of JOSHUA MICHAEL GRANTZ
16	10/31/2019	65	Motion for Order Shortening Time Filed by COREY B. BECK on behalf of JOSHUA MICHAEL GRANTZ

1	10/31/2019	66	Attorney Information Sheet Filed by COREY B. BECK on behalf of JOSHUA MICHAEL GRANTZ
2	10/31/2019	67	Request for Special Notice Filed by BRYAN M VIELLION on behalf of FASHION SHOW MALL, LLC
3	11/05/2019	68	Order Granting Motion for Order Shortening Time (Related document(s) 65). Hearing scheduled 11/21/2019 at 09:30 AM at ABL-Courtroom 1, Foley Federal Bldg. (Related document(s)64 Motion for Contempt filed by Debtor JOSHUA MICHAEL GRANTZ.) (cly) (Entered: 11/05/2019)
4	11/05/2019	69	Certificate of Service Filed by COREY B. BECK on behalf of JOSHUA MICHAEL GRANTZ (Related document(s)64 Motion for Contempt filed by Debtor JOSHUA MICHAEL GRANTZ, 68 Order on Motion for Order Shortening Time)
5	11/19/2019	70	Opposition with Certificate of Service Filed by BRYAN M VIELLION on behalf of FASHION SHOW MALL, LLC
6	12/30/2019	72	Order Denying Motion For Contempt
7	01/07/2020	73	Notice of Appeal. Filed by COREY B. BECK on behalf of JOSHUA MICHAEL GRANTZ. Fee Amount \$298 (Related document(s)72 Order on Motion for Contempt.)
8	01/08/2020	74	Appeal Reference Number 20-01 (Related document(s)73 Notice of Appeal filed by Debtor JOSHUA MICHAEL GRANTZ.)
9	01/08/2020	75	Notice of Referral of Appeal to USDC. Appeal Reference # 20-01 (Related document(s)73 Notice of Appeal filed by Debtor JOSHUA MICHAEL GRANTZ.)
10	01/08/2020	76	Transmittal Form to USDC (Related document(s)73 Notice of Appeal filed by Debtor JOSHUA MICHAEL GRANTZ.)
11	01/08/2020	77	Appeal Memorandum to USDC. Appeal Reference # 20-01
12	01/08/2020	78	Clerk Forwarded Appeal Documents to BNC for Noticing to: USDC (Related document(s)73 Notice of Appeal filed by Debtor JOSHUA MICHAEL GRANTZ.)
13	01/08/2020	79	USDC Appeal Court Case# 20-cv-00043-JAD Appeal Reference # 20-01 (Related document(s)73 Notice of Appeal filed by Debtor JOSHUA MICHAEL GRANTZ.)
14	01/14/2020	80	Receipt of Filing Fee for Notice of Appeal(09-22832-abl) [appeal,ntcapl] ( 298.00). Receipt number 19320623, fee amount \$ 298.00.(re: Doc#73)
15	01/21/2020	81	Transcript Ordered. Acknowledgement of Request for Transcript of Testimony Received on 1/21/2020. Hearing held on 11/21/2019. Ordering Party: Corey Beck. The Reporter Expects to have the transcript completed by 1/28/2020. (ACCESS TRANSCRIPTS, LLC) (Entered: 01/21/2020)

1 2 3 4	01/21/2020	82	Transcript Ordered. Acknowledgement of Request for Transcript of Testimony Received on 1/21/2020. Hearing held on 12/20/2019. Ordering Party: Corey Beck. The Reporter Expects to Have the Transcript Completed by 1/28/2020. (ACCESS TRANSCRIPTS, LLC) (Entered: 01/21/2020)
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5 **STATEMENT OF ISSUES**

- 6 1. Whether the Bankruptcy Court erred in denying Debtor's Motion for Contempt  
7 for Violation of Order Reopening Case/Discharge Injunction?
- 8 2. Whether 11 U.S.C. §523(a)(3)(A) is controlling provision in said case?
- 9 3. Whether Honorable Judge Davis granted Debtor's Motion to Reopen filed on  
10 April 23, 2015 because of relief requested. "Debtor seeks to have his bankruptcy  
11 case reopened so that he may list personal guarantees on the leases as  
12 dischargeable debts."?
- 13 4. Whether commercial lease debt Rouse F.S. LLC., (predecessor to Fashion Show  
14 Mall, LLC.) was "known" by Debtor on April 22, 2015 - date Honorable Judge  
15 Davis granted Order Reopening Case?
- 16 5. Whether decision of Bankruptcy Court for violation of Order Reopening Case/  
17 Discharge Injunction should be reversed because Rouse F.S. LLC., debt was not  
18 "known" when Honorable Judge Davis reopened the bankruptcy case so that  
19 schedules can be amended to discharge lease guarantee debt?
- 20 6. Whether In Re Beazley v. California Land Title Company 994 F.2d 1433, (9<sup>th</sup> Cir.  
21 1993) should be extended to include omitted creditor in an "asset case" when  
22 there is no distribution to unsecured creditors?
- 23 7. Whether Fashion Show Mall, LLC., had duty to take action when creditor  
24 received notice of Order Reopening Case and amended schedules in June 2015?

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1 DATED this 22<sup>nd</sup> day of January, 2020.

2 Respectfully submitted,

3 /s/ COREY B. BECK  
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8 Attorney for Debtor

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10 **UNITED STATES DISTRICT COURT**

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13 JOSHUA MICHAEL GRANTZ ) JUDGE: Hon. Jennifer A. Dorsey  
14 v. )  
15 FASHION SHOW MALL, LLC. )  
16 Appellant(s). )  
17 Appellee(s). )  
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19 **CERTIFICATE OF SERVICE**

20 I hereby certify that on the 22<sup>nd</sup> day of January, 2020, I mailed a true and correct copy of  
21 the filing of ***APPELLANT'S DESIGNATION OF RECORD AND STATEMENT OF ISSUES***  
22 ***ON APPEAL FROM BANKRUPTCY COURT***, via electronic filing, via facsimile, and/or via  
23 first class mail, postage pre-paid, to the following parties of interest, at their last known  
24 addresses, as follows and on attached mailing matrix:

25 Bryan Viellion, Esq.  
26 Kaempfer Crowell  
27 1980 Festival Plaza Dr., Suite 650  
28 Las Vegas, NV 89135  
Ph.: (702) 792-7000  
Email: [bviellion@kcnvlaw.com](mailto:bviellion@kcnvlaw.com)

**SENT VIA ECF FILING**  
**SENT VIA YAHOO EMAIL**

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**SENT VIA ECF FILING**  
**SENT VIA YAHOO EMAIL**

35 /s/ VANESSA ANDERSON  
36 Employee of Corey B. Beck, Esq.